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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,506	10/12/2001	Steven Anthony George Ruff	FORRE-58632	3915

24201 7590 02/03/2003  
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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT PAPER NUMBER

3636

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/977,506

Applicant(s)

Ruff et al

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 28, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim such as claims 3-4. Claims 7-8 depend from these 2 claims and is therefore improper. See MPEP § 608.01(n). Accordingly, the claim 8 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7, the phrase "tie or strut" is unclear and confusing and reads as if the Applicant is unsure of his invention since the phrase places the claim in alternative form.

Claim 10 is unclear and confusing language and a bit redundant. What is the Applicant trying to do with that claim?

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The aforementioned problems render the claims vague and indefinite. Clarification and/or correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claim 1 and 10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hogan (U.S. Patent No. 3,985,388).

Hogan teaches the structure as claimed (See Figures 1 and 3)

6. Claims 1, 3-4, and 10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (U.S. Patent No. 4,358,154)

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Campbell teaches the structure as claimed (See Figures 1-3 and 5 ). See specification for mention of rollers 86, 88, and 90.

7. Claims 1 and 10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (U.S. Patent No. 4,523,730)

Martin teaches the structure as claimed (See Figures 1-2A and 4 ).

8. Claims 1-2 and 9-10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sharon (U.S. Patent No. 5,273,240))

Sharon teaches the structure as claimed (See Figures 1-6 and 8-11 and specification ).

9. Claims 1 and 10, so far as understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Nefy et al (U.S. Patent No. 5,676,336)

Nefy et al teach the structure as claimed (See Figures 1, 3, and 4C ). See specification.

10. Claims 1 and 10, so far as understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Nefy et al (U.S. Patent No. 5,676,336)

Nefy et al teach the structure as claimed (See Figures 1, 3, and 4C ). See specification

11. Claims 1 and 10, so far as understood, is rejected under 35 U.S.C. 102(e) as being anticipated by Knoll et al (U.S. Patent No. 6,378,939)

Knoll et al teach the structure as claimed (See Figures 7-12 ). See specification

12. Claims 1-4 and 10, so far as understood, is rejected under 35 U.S.C. 102(e) as being anticipated by Mort (U.S. Patent No. 6,394,393)

Mortal teaches the structure as claimed (See Figures 7-12 ).

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13. Claims 5-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach the adjustable spacing of the roller from the opposing member to adjust the extent to which the elongate member is flattened in passing through the deforming arrangement and to adjust the rate of energy absorption in operation.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hansen, Kerdoncuff et al, Stahl, Speilman, and Trickey et al teach energy absorbing vehicle seats.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner White whose telephone number is (703) 308-2276. The

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is:

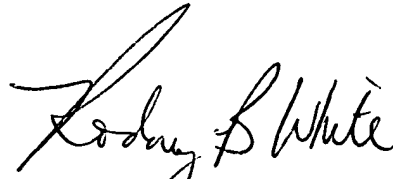

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Official After-Final Amendment.:	(703) 872-9327

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
January 27, 2003

7.